

1 relationship.

2 (d) "Drug paraphernalia" means all equipment, products
3 and materials of any kind, home made or manufactured, which
4 are associated with peculiar--te or and marketed for use in
5 planting, propagating, cultivating, growing, harvesting,
6 manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging,
8 repackaging, storing, containing, concealing, injecting,
9 ingesting, inhaling or otherwise introducing into the human
10 body cannabis or a controlled substance in violation of the
11 "Cannabis Control Act" or the "Illinois Controlled Substances
12 Act". It includes, but is not limited to:

13 (1) Kits, home made or manufactured, associated with
14 peculiar--te or and marketed for use in manufacturing,
15 compounding, converting, producing, processing or preparing
16 cannabis or a controlled substance;

17 (2) Isomerization devices, home made or manufactured,
18 associated with peculiar--te or and marketed for use in
19 increasing the potency of any species of plant which is
20 cannabis or a controlled substance;

21 (3) Testing equipment, home made or manufactured,
22 associated with peculiar--te or and marketed for private home
23 use in identifying or in analyzing the strength,
24 effectiveness or purity of cannabis or controlled substances;

25 (4) Diluents and adulterants, home made or manufactured,
26 associated with peculiar--te or and marketed for cutting
27 cannabis or a controlled substance by private persons;

28 (5) Objects, home made or manufactured, associated with
29 peculiar--te or and marketed for use in ingesting, inhaling,
30 or otherwise introducing cannabis or a controlled substance,
31 ecaine, hashish, or hashish--oil into the human body
32 including, where applicable, the following items:

33 (A) water pipes;

34 (B) carburetion tubes and devices;

- 1 (C) smoking and carburetion masks;
- 2 (D) miniature cocaine spoons and cocaine vials;
- 3 (E) carburetor pipes;
- 4 (F) electric pipes;
- 5 (G) air-driven pipes;
- 6 (H) chillums;
- 7 (I) bonges;
- 8 (J) ice pipes or chillers;
- 9 (6) Any item whose purpose, as announced or described by
- 10 the seller, is for use in violation of this Act;

11 (7) Objects, home made or manufactured, which may have
12 uses, other than as drug paraphernalia as described in this
13 subsection (d), but are intended by the manufacturer, maker,
14 or user of those objects to be used as drug paraphernalia or
15 which a reasonable person would believe would be used as drug
16 paraphernalia.

17 (Source: P.A. 82-1032.)

18 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

19 Sec. 4. Exemptions. This Act shall not apply to:

20 (a) Items marketed for use in the preparation,
21 compounding, packaging, labeling, or other use of cannabis or
22 a controlled substance as an incident to lawful research,
23 teaching, or chemical analysis and not for sale.

24 (b) Items marketed for, or historically and customarily
25 used in connection with, the planting, propagating,
26 cultivating, growing, harvesting, manufacturing, compounding,
27 converting, producing, processing, preparing, testing,
28 analyzing, packaging, repackaging, storing, containing,
29 concealing, injecting, ingesting, or inhaling of tobacco or
30 any other lawful substance.

31 Items exempt under this subsection include, but are not
32 limited to, garden hoes, rakes, sickles, baggies, tobacco
33 pipes, and cigarette-rolling papers.

1 (c) Items listed in Section 2 of this Act which are
2 marketed for decorative purposes, when such items have been
3 rendered completely inoperable or incapable of being used for
4 any illicit purpose prohibited by this Act.

5 In determining whether or not a particular item is exempt
6 under this subsection, the trier of fact should consider, in
7 addition to all other logically relevant factors, the
8 following:

9 (1) the general, usual, customary, and historical
10 use to which the item involved has been put;

11 (2) expert evidence concerning the ordinary or
12 customary use of the item and the effect of any
13 peculiarity in the design or engineering of the device
14 upon its functioning;

15 (3) any written instructions accompanying the
16 delivery of the item concerning the purposes or uses to
17 which the item can or may be put;

18 (4) any oral instructions provided by the seller of
19 the item at the time and place of sale or commercial
20 delivery;

21 (5) any national or local advertising concerning
22 the design, purpose or use of the item involved, and the
23 entire context in which such advertising occurs;

24 (6) the manner, place and circumstances in which
25 the item was displayed for sale, as well as any item or
26 items displayed for sale or otherwise exhibited upon the
27 premises where the sale was made;

28 (7) whether the owner or anyone in control of the
29 object is a legitimate supplier of like or related items
30 to the community, such as a licensed distributor or
31 dealer of tobacco products;

32 (8) the existence and scope of legitimate uses for
33 the object in the community.

34 (d) Objects used for ingesting, inhaling, or otherwise

1 introducing into the body cannabis or a controlled substance
2 or objects, home made or manufactured, that may have uses,
3 other than as drug paraphernalia, but are intended by the
4 manufacturer, maker, or user of those objects to be used as
5 drug paraphernalia or which a reasonable person would believe
6 would be used as drug paraphernalia are not exempt under this
7 Act.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."